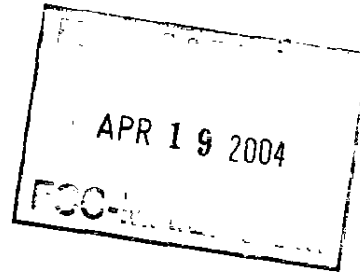




International
Health, Racquet &
Sportsclub Association

April 14, 2004

Secretary Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW.
Room TW-A325, Washington, DC 20554



RE: Comments

Docket Id: 04-53; 02-278; 04-52

CFR Citation: 47 CFR 64

Dear Ms. Dortch:

I am the executive director of the leading international trade association in the health club industry, representing 6,500 businesses worldwide, over 4,000 of which are in the United States. We are a non-profit organization.

In this age of rapidly expanding advances in technology, one of our most effective means of communicating with our members is via e-mail. In fact, e-mail is the preferred means of communication for the majority of our members.

We believe that the definition of commercial email in the CAN-SPAM legislation is sufficiently narrow so as not to include email communications between non-profit organizations (such as our trade association) and their members.

Furthermore, the definition of commercial email under the law should not include communication between a non-profit organization and prospective members, provided the content of the email is consistent with the tax-exempt purpose of the association.

Thank you for your time and consideration.

Sincerely,
John McCarthy

Executive Director, IHRSA

263 Summer Street
Boston, MA 02210 USA
617.951 0055
800 228 4772
fax 617 951 0056

www.ihrsa.org
www.healthclubs.com

No. of Copies rec'd
List ABCDE

14



One Hundred Million
Members by 2010